REMARKS

Reconsideration and allowance of the present application are respectfully requested. Claims 1-19 remain pending in the application. By this Amendment, claims 1, 9 and 14 are amended.

On page 2 of the Office Action, independent claims 1, 9 and 14, along with various dependent claims, are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,728,748 (Mangipudi et al.) in view of U.S. Patent No. 6,374,300 (Masters). On page 8 of the Office Action, dependent claim 18 is rejected under 35 U.S.C. § 103(a) as being unpatentable over the Mangipudi et al. patent in view of the Masters patent, and further in view of U.S. Patent 5,956,752 (Mathews). These rejections are respectfully traversed.

Applicants have disclosed a data service system and method that include a request processor that schedules requests from external clients for transactions to be serviced by the server system based on classification contained in a classification tag (e.g., page 9, lines 9-21). The classification of access or user requests can be generated in the application system to assign a classification per transaction based on a priority-based back-end classification (e.g., page 15, lines 6-13). As exemplified in Fig. 3, the tag generator 36 determines whether the request is for a new session. (e.g., specification page 18, lines 5-8; block 51 of Fig. 3). If, as shown in blocks 58-60, the tag generator 36 determines that the request is not for a new session, then the tag is updated for re-categorization of the existing session (page 19, lines 4-14).

The foregoing features are broadly encompassed by claim 1, which recites a data service system including, among other features, a tag generator that generates

a classification tag for a particular transaction in a session based on the analysis of its associated transaction response by the business rule engine, wherein a classification tag is either newly generated in the application system to assign a classification per transaction for each new session, or updated for re-categorization of an existing session based on a priority-based back-end classification. Claims 9 and 14 recite similar features.

The Mangipudi et al. patent discloses a method and apparatus for policy based class of service management. The Mangipudi et al. patent discloses that the class of service is implemented as a function of the user (col. 9, lines 58-59; Fig. 4), but does not suggest a class of service per each transaction, and does not suggest a capability to re-classify an existing session. (*See, also,* col. 6, lines 313-15). The Mangipudi et al. patent does not teach or suggest a data service system that includes a tag generator that generates a classification tag for a particular transaction in a session based on the analysis of its associated transaction response by the business rule engine, wherein a classification tag is either newly generated in the application system to assign a classification per transaction for each new session, or updated for re-categorization of an existing session based on a priority-based back-end classification, as recited in claim 1.

On page 9 of the Office Action, the Examiner asserts that "Masters teaches said system and method for storing load balancing information with an HTTP cookie (tag) wherein the classification information is generated in the application system to implement said classification on transactions based on a priority-based classification." Applicants respectfully traverse the Examiner's assertion.

The Masters patent does not cure the deficiencies of the Mangipudi et al. patent. In the Response to Arguments at page 9 of the Office Action, the Examiner relies on the Masters patent disclosure of one type of HTTP request that does not include a Cookie (col. 7, lines 40-44). The Masters patent discloses elsewhere that the "priority type of Cookie may include an indication that identifies a priority for processing the HTTP request and/or response" (col. 3, lines 57-59). However, the cookie information relates to the identity of the client (e.g., col. 4, lines 3-4), but this disclosure by the Masters patent does not relate to a classification per transaction (e.g., the Masters patent disclosure cannot prioritize multiple transactions by the same user), and does not suggest a capability to re-categorize an existing transaction session. Rather, the cookie as disclosed in the Masters patent is used to compare "the information identifying the sender to a table of at least one destination, the HTTP request being sent to a destination that is associated with the identified sender in the table" (col. 4, lines 5-9). Accordingly, the Masters patent does not teach or suggest a classification tag that is either newly generated in the application system to assign a classification per transaction for each new session, or updated for re-categorization of an existing session based on a priority-based back-end classification, as recited in claim 1.

The Mathews patent does not cure the deficiencies of the Mangipudi et al. and Masters patents. The Mathews patent was cited for its disclosure of a look up table for storing a relationship mapping between a client's IP address and the IP address of a server (col. 1, lines 12-19), but this does not relate to a classification of 1) a transaction; or a re-categorizing of an existing 2) a session. Mathews patent does not teach or suggest a data service system that includes a data service system

that includes a tag generator that generates a classification tag for a particular transaction in a session based on the analysis of its associated transaction response by the business rule engine, wherein a classification tag is either newly generated in the application system to assign a classification per transaction for each new session, or updated for re-categorization of an existing session based on a priority-based back-end classification, as recited in claim 1.

Even if combined, the Mangipudi et al., Masters and Mathews patents lack at least the recited feature of a tag generator that generates a classification tag for a particular transaction in a session based on the analysis of its associated transaction response by the business rule engine, wherein a classification tag is either newly generated in the application system to assign a classification per transaction for each new session, or updated for re-categorization of an existing session based on a priority-based back-end classification. Accordingly, the Mangipudi et al., Masters and Mathews patents, considered individually or in combination, fail to teach or recite features recited in Applicants' claim 1. Claims 9 and 14 similarly recite a classification tag that is either newly generated in the application system to assign a classification per transaction for each new session, or updated for re-categorization of an existing session based on a priority-based back-end classification.

All remaining claims depend from the aforementioned independent claims and recite additional advantageous features which further distinguish over the documents relied upon by the Examiner.

All objections and rejections raised in the Office Action having been addressed, it is respectfully submitted that the present application is in condition for allowance and a Notice of Allowance is requested.

Respectfully submitted,

BUCHANAN INGERSOLL PC

Date: June 12, 2006

By: Reg. No 48,360
Patrick C. Keane
Registration No. 32,858

P.O. Box 1404
Alexandria, Virginia 22313-1404
(703) 836-6620